

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRIAN E. SAYLOR,

Plaintiff,

v.

KATHLEEN ALLISON, et al.,

Defendants.

No. 1:21-cv-01284-DAD-HBK (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF'S MOTION TO PROCEED *IN*
FORMA PAUPERIS

(Doc. Nos. 2, 8)

Plaintiff Brian E. Saylor is a state prisoner proceeding *pro se* pursuant to 42 U.S.C. § 1983. (Doc. No. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 27, 2021, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff's motion for leave to proceed *in forma pauperis* be denied because he had the available sum of \$1371.20 in his inmate account and average monthly deposits into that account of \$605.72. (Doc. No. 8 at 2.) The pending findings and recommendations were served on plaintiff contained notice that any objections were due in fourteen days from service of the order. (*Id.* at 4–5.) No objections have been filed and the time to do so has since passed.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a
2 *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the
3 findings and recommendations to be supported by the record and by proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations issued on August 27, 2021 (Doc. No. 8) are
6 adopted in full;
- 7 2. Plaintiff's motion to proceed *in forma pauperis* filed on August 24, 2021 (Doc.
8 No. 2) is denied;
- 9 3. Plaintiff is directed to pay the \$402.00 filing fee within thirty (30) days of
10 receiving service of process of this order, absent which the Clerk of the Court will
11 be directed to dismiss this case, without prejudice; and
- 12 4. This case is referred back to the assigned magistrate judge for proceedings
13 consistent with this order.

14 IT IS SO ORDERED.

15 Dated: **October 25, 2021**

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18 UNITED STATES DISTRICT JUDGE
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